IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8809 of 2004

Shri Gangadhar Reghavan Pillai. .. Petitioner
Vs.
M/s.Siemens Limited & Anr. .. Respondents
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Shri S.N.Deshpande and Shri A.M.Koyande for the petitioner.

Shri Piyush Shah for respondent No.1.
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CORAM : R.M.S.KHANDEPARKAR, J

DATED : 8th December, 2004.

P.C.

1. Heard the learned advocates for the parties.

2. The petitioner challenges the order dated 4th August, 2004 passed by the Industrial Court dismissing the Complaint (ULP) No.78 of 2002 filed against the respondents accusing for adoption of unfair labour practice under Sections 5, 6 and 9 of Schedule IV of the MRTU and PULP Act, 1971 while requesting for a direction to the respondents to continue to assign duties to him as he was performing prior to 10th May, 2000 and to make him permanent with monetary benefits holding him to be deemed to be confirmed with effect

from 20th June, 1980 and further to pay him arrears of wages and allowances which are applicable to the permanent workmen doing similar type of work from 10th May, 2000. The Industrial Court, after hearing the parties on analysis of the materials on record while dismissing the complaint, has held that what has been reiterated in the complaint was that the complainant was engaged at various sites of the respondents after giving artificial breaks in the service. It has been further held that once it was disclosed that the petitioner was project related employee, the question of giving direction to the respondent company to confer status of the employee and to transfer the permanent employee does not arise at all. It has also been held that the petitioner has miserably failed to prove that the break in two appointments of the complainant was artificial break, besides that the letters of appointment issued to the petitioner were in relation to the engagement of the petitioner for project related work for a specified period, and therefore, there was no question of adoption of unfair labour practice as alleged by the petitioner. It is well settled by a catena of decisions of this Court as well as of the Apex Court that the project related employees cannot, as a matter of right, demand any status and privileges of permanent employee.

Considering the same merely because the petitioner has been engaged from time to time in relation to the projects undertaken by the respondent company, no fault can be found in the impugned order holding that there was no unfair labour practice on account of such employment and non grant of status and privileges of permanent employee to the petitioner. The Industrial Court has also placed reliance in the decision of a Division Bench of this Court in **R.P.Sawant v. Bajaj Auto Ltd. & Anr.,** reported in 2001 II CLR 982.

3. In the facts and circumstances of the case, considering the finding arrived at by the Court below on analysis of the materials on record, cannot be said to be either improper or perverse nor it has been held that there is any illegal exercise of writ jurisdiction under Article 227 of the Constitution of India, and hence the petition fails and is hereby rejected, with no order as to costs.

4. C.C.expedited.